

2. Recover the penalty by civil action in any court of competent jurisdiction.”

- E. **Discrepancy** -- Wherever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Ordinance or other official regulations of Brunswick, Frederick County, or other governmental agencies, the more severe standards shall apply.

Article 2. PROCEDURES

- 2.1 **Meet minimum requirements.** In planning and developing a subdivision, the developer shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in Article 3; with the regulations concerning improvements as set forth in Article 4 of these regulations, and the requirements set forth in the Design Manual; and in every case he shall observe the following procedure.

- 2.2 **Submission of Preliminary Plan of Subdivision.**

- A. **The subdivider shall prepare a preliminary plat of the proposed** subdivision conforming with the requirements set forth in Article 5. At least thirty (30) days prior to a regularly scheduled meeting of the Planning Commission 17-21 black line mylar or similar prints of the plat shall be filed with the Planning Commission.
- B. The preliminary plat will be checked as to its conformity with the City Master Plan, the City Zoning Ordinance, and other applicable provisions, and the principles, standards and requirements hereinafter set forth. Copies will be referred to any other county or state agencies that may be concerned with public improvements or health requirements.
- C. The Planning Commission will make a finding regarding the adequacy of public facilities related to the submission. The Planning Commission will not approve the preliminary plat unless all the public facilities are deemed adequate.
- D. At its regular meeting the Planning Commission shall approve or disapprove the preliminary plat, or may approve it subject to specific changes or modifications. Reasons for disapproval will be noted on the plat. Approval of a preliminary plat shall be valid for not more than three years, unless extended by the Planning Commission upon a request to be granted if the Planning Commission finds that plans for and conditions in the neighborhood have not changed since the original approval. No plat shall be approved that is in conflict with these subdivision regulations, any zoning ordinances or with the Brunswick Master Plan. (Amended Ord. 404)

2.3 Improvement Plans

- A. After Planning Commission approval of the preliminary plat, subdivision plat, site plan, or residential site plan, the subdivider shall prepare and submit to the Planning and Zoning Office the number of copies of plans, as determined by the Planning and Zoning Staff, for the installation of improvements in accordance with the requirements of Article 4 of these regulations. All such improvements shall be designed in compliance with the standards, plans and specifications set forth in these regulations and the Design Manual. Copies of such improvement plans will be referred by the Planning and Zoning Office to the appropriate city, county and state agencies for review, comment, and approval, subject to such changes or conditions as in their judgement may be required. Revised plans satisfactorily addressing all City of Brunswick and other government agency comments shall then be returned for the Planning Commission to review for compliance with the previously approved subdivision or development plant. The developer will be notified of its approval. Approval of improvement plans shall expire after two (2) years unless construction has commenced.
- B. In the case of individual or Contiguous Lots, Sediment and Erosion Control (SEC) Plans required by either the Soil Conservation District (SCD), Frederick county or the City may be approved by the Chairman of the Planning Commission or his/her designee, without Planning Commission review with the receipt of favorable comments for approval from reviewing agencies. These plans shall be submitted with the appropriate fees and shall have a valid and approved Project SEC Plan that encompasses the building sites.

(Ord. 424)

2.4 Approval of Final Plat

- A. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.
- B. The subdivider shall file with the Planning Commission, in accordance with submission procedures approved by the Planning Commission, the appropriate number of copies and original drawings identified and as instructed by the Planning and Zoning Staff. (Amended Ord. 404)
- C. Method of Approval – At the regular meeting, upon receipt of (a) recommendation of the Planning Commission staff and (b) the recommendations of a responsible official of other concerned agencies, the Planning Commission shall then approve or disapprove said final plat and, if approved, shall endorse the fact of such approval on the plat by the signature of its Chairman or Secretary, in the space to be provided therefor. No final plat shall be approved unless it is found by the Commission to conform with the

preliminary plat as approved and to be in conformity with the requirements of these regulations. Reasons for the disapproval of any plat shall be stated in the records of the Planning Commission.

- D. Recording Final Plat – If approved, the developer shall then submit with the Brunswick City Planning & Zoning Administrator four (4) black line photographic mylar prints and three (3) paper prints. The four (4) mylar prints will be recorded with the Clerk of the Court of Frederick County. Brunswick's City Planning & Zoning Administrator distributes the other prints as follows: one (1) black lined photographic mylar print to the Planning Commission, two (2) paper prints to the Supervisor of Assessments, and one (1) paper print to the County Health Department. Approval of the Final Plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on said plat.

2.5 Completion or Guarantee of Improvements

Before approval of the final plat, the subdivider shall furnish to the Planning Commission one (1) of the following guarantees of construction of all public improvements required by Article 4 and as shown in the public works agreement and on approved improvement plans.

- A. Certificates from all appropriate officials that improvements have been properly and completely installed in the area to be developed from the point of ingress into the development to and in front of the lot(s) included on the final plat.
- B. Funds placed in escrow with an escrow agent located in the state of Maryland and satisfactory to the Mayor and Council with an agreement between the escrow agent and the City that the funds would be released from escrow in part from time to time as requested by the developer to pay invoices for work completed in the installation of the public improvements from the point of ingress into the development to and in front of the lot(s) included in the final plat. (Amended Ord. 404)
- C. At the option of the Mayor and Council, the subdivider may submit an irrevocable letter of credit or similar agreement from a lending institution or any recognized lender located in the State of Maryland and satisfactory to the City, guaranteeing payment for the installation of the public improvements from the point of ingress into the development to, and in front of, the lot(s) included in the final plat. (Amended Ord. 404)

2.6 Sale of Lots and Houses -- No lot shall be sold and no building permit shall be issued until a final plat of such subdivision has been approved and recorded in accordance with these regulations and provisions of Article 66B of the Annotated Code of Maryland.

- 2.7 Building Development** – In any instance where newly provided public improvements are necessary to serve or provide access to new building development, these improvements must be completed or a satisfactory guarantee of completion must be submitted prior to approval of a final plat.
- 2.8 Public Release** – Upon completion, satisfactory to the Mayor and Council of the public improvements required in Article 4, the elected officials shall accept by duly executed deed the land dedicated to public use and the improvements thereon.

Article 3. DESIGN STANDARDS

- 3.1 General** – The standards of design contained herein are intended only as minimum requirements, and the developer should use standards consistent with the site conditions so as to assure a high quality, pleasant and durable neighborhood. All subdivisions shall conform to the official City or County Master Highway Plans and any other parts of the Master Plan of the City or County, as well as the Zoning Ordinance and Design Manual of the City.
- 3.2 Reserve Right-of-way** – When a proposed subdivision includes or abuts streets designated on the Comprehensive Plan or County Comprehensive Development Plan, the Planning Commission shall require by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned or platted roads. Such dedication to public use shall be to the full extent of the right-of-way as required in the Comprehensive Plan except where the right-of-way to be dedicated is greater than a collector street, then a reservation of land to meet the right-of-way standards may be required. Before a reservation of land may be required for future dedication or acquisition for public streets, a survey plat for the location of the proposed streets must be approved and recorded in accordance with the provision of Article 66B, Section 6.01 entitled "Reservation of Locations of Mapped Streets, etc., for Dedication or Acquisition for Public Use." When a right-of-way reservation is required the Planning Commission may withhold approval for up to twelve (12) months in order to comply with Article 66B, Section 6.01. However, if the developer incorporates the recommendation of the Comprehensive Plan or the State Highway Plan and no definite alignment has been established, the Planning Commission may withhold approval of a subdivision plat for not more than one hundred eighty (180) days from the application date to permit the State Highway Administration, if they so desire, to establish an accurate road alignment.
- 3.3 Improve Adverse Physical Conditions** – The subdivision of land subject to flooding by a one hundred (100) year storm or less as determined by the standards set by the Maryland Department of Natural Resources or its successor will not be approved. A plat of a proposed subdivision located in an area having poor drainage or otherwise adverse physical conditions may be approved, provided the subdivider agrees to make such improvements as in the judgement of the Planning Commission render the subdivision substantially safe and otherwise acceptable for residential use, and furnishes a performance bond or gives other guarantee satisfactory to the Planning Commission, sufficient to cover the cost of such improvements as estimated by the officials having jurisdiction.